

To: Bunker, Byron[bunker.byron@epa.gov]; Wehrly, Linc[wehrly.linc@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
From: Cook, Leila
Sent: Tue 9/22/2015 10:49:00 PM
Subject: Fwd: defeat device edits
[defeat device testing guidancelhc.docx](#)
[ATT00001.htm](#)

Here are few suggested edits.

Sent from my iPhone

Begin forwarded message:

From: "Cook, Leila" <cook.leila@epa.gov>
Date: September 22, 2015 at 6:24:30 PM EDT
To: "Cook, Leila" <cook.leila@epa.gov>
Subject: defeat device edits

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]; Cook, Leila[cook.leila@epa.gov]; Sutton, Tia[sutton.tia@epa.gov]
From: Bunker, Byron
Sent: Wed 9/23/2015 2:49:18 PM
Subject: FW: defeat device edits
[defeat device testing guidancelhc.docx](#)
[ATT00001.htm](#)

See Evan's note copied below on our guidance letter.

From: Belser, Evan
Sent: Wednesday, September 23, 2015 10:39 AM
To: Bunker, Byron; Kelley, Rosemarie
Cc: Werner, Jacqueline
Subject: FW: defeat device edits

Byron,

Ex. 5

Evan

From: Bunker, Byron
Sent: Wednesday, September 23, 2015 9:55 AM
To: Belser, Evan
Cc: Werner, Jacqueline
Subject: Fwd: defeat device edits

Hi Evan,

Can you give this a quick review and let me know quickly if you see an issue? We were planning to send this on Thursday.

The OECA comma folks are wondering if Cynthia needs a heads up.

Ex. 5

Thanks,

Byron

Sent from my iPhone

Begin forwarded message:

From: "Cook, Leila" <cook.leila@epa.gov>
Date: September 22, 2015 at 5:49:00 PM CDT
To: "Bunker, Byron" <bunker.byron@epa.gov>, "Wehrly, Linc" <wehrly.linc@epa.gov>
Cc: "Grundler, Christopher" <grundler.christopher@epa.gov>, "Hengst, Benjamin" <Hengst.Benjamin@epa.gov>, "Birgfeld, Erin" <Birgfeld.Erin@epa.gov>
Subject: Fwd: defeat device edits

Here are few suggested edits.

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Begin forwarded message:

From: "Cook, Leila" <cook.leila@epa.gov>
Date: September 22, 2015 at 6:24:30 PM EDT
To: "Cook, Leila" <cook.leila@epa.gov>
Subject: defeat device edits

To: Hengst, Benjamin[Hengst.Benjamin@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]
From: Bunker, Byron
Sent: Wed 9/23/2015 1:50:21 PM
Subject: Re: draft guidance letter on defeat device testing

Ex. 5

I will do so now. I don't see the link to enforcement but will follow up now.

Chris told Janet about this last Friday.

Sent from my iPhone

> On Sep 23, 2015, at 8:47 AM, Hengst, Benjamin <Hengst.Benjamin@epa.gov> wrote:

>

> Byron--can you pls advise on this? Does Janet know and is she on board?

>

> -----Original Message-----

> From: Senn, John

> Sent: Wednesday, September 23, 2015 9:43 AM

> To: Millett, John; Hengst, Benjamin

> Cc: Conger, Nick

> Subject: FW: draft guidance letter on defeat device testing

>

Ex. 5

>

> From: Birgfeld, Erin

> Sent: Tuesday, September 22, 2015 5:59 PM

> To: Millett, John; Valentine, Julia; Purchia, Liz; Conger, Nick

> Cc: Hengst, Benjamin; Senn, John

> Subject: FW: draft guidance letter on defeat device testing

>

> Hi Liz,

>

> Attached is an early draft of the guidance letter that OTAQ intends to send manufacturers this week.

>

> We had discussed putting this out on Friday, but OTAQ would prefer Thursday afternoon if at all possible due to schedules.

Ex. 7

>

> Does that sound do-able?

>

> Sorry for the terse email with a copy to so many people. I wanted to get this in front of everyone quickly.

>

> Thank you!

>

> -Erin

>

>

>

> <defeat device testing guidance.docx>

To: Cook, Leila[cook.leila@epa.gov]; Wehrly, Linc[wehrly.linc@epa.gov]
Cc: Grundler, Christopher[grundler.christopher@epa.gov]; Hengst, Benjamin[Hengst.Benjamin@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]; Cohen, Janet[cohen.janet@epa.gov]
From: Bunker, Byron
Sent: Tue 9/22/2015 11:31:20 PM
Subject: RE: defeat device edits

Thanks Lee.

Linc – these look good to me. Can we get them rolled into the master document?

Thanks,

Byron

Byron Bunker

Director Compliance Division

Office of Transportation and Air Quality

Environmental Protection Agency

2000 Traverwood Drive

Ann Arbor, MI 48105

Bunker.Byron@epa.gov

Phone: (734) 214-4155

Mobile: (734) 353-9623

From: Cook, Leila
Sent: Tuesday, September 22, 2015 6:49 PM
To: Bunker, Byron; Wehrly, Linc
Cc: Grundler, Christopher; Hengst, Benjamin; Birgfeld, Erin
Subject: Fwd: defeat device edits

Here are few suggested edits.

Sent from my iPhone

Begin forwarded message:

From: "Cook, Leila" <cook.leila@epa.gov>
Date: September 22, 2015 at 6:24:30 PM EDT
To: "Cook, Leila" <cook.leila@epa.gov>
Subject: defeat device edits

To: Kaul, Meetu[Kaul.Meetu@epa.gov]
From: Miller, Anthony
Sent: Fri 3/7/2014 5:45:29 PM
Subject: RE: Status of Defeat Device Penalty Policy?

Ex. 6

From: Kaul, Meetu
Sent: Friday, March 07, 2014 10:45 AM
To: Miller, Anthony
Subject: RE: Status of Defeat Device Penalty Policy?

When exactly will you be in the office? All day Wed and thurs?

Ms.Meetu Kaul, Attorney-Advisor
United States Environmental Protection Agency
Office of Civil Enforcement - Air Enforcement Division
WJC South, Room 3151A
1200 Pennsylvania Ave., N.W. (MC 2242A)
Washington D.C. 20460 (Courier 20004)
Direct: 202-564-5472
Fax: 202-564-0069
Email: kaul.meetu@epa.gov

From: Miller, Anthony
Sent: Friday, March 07, 2014 12:42 PM
To: Klepp, Robert; Kaul, Meetu
Cc: Choi, Jake; Wick, Anne; Alexander, David; Adair, Jocelyn
Subject: RE: Status of Defeat Device Penalty Policy?

Speaking of – Do we have a time set up? I don't have anything and since haven't been able to get one scheduled.

Ex. 6 I

From: Klepp, Robert
Sent: Thursday, March 06, 2014 2:39 PM
To: Kaul, Meetu; Miller, Anthony
Cc: Choi, Jake; Wick, Anne; Alexander, David; Adair, Jocelyn

Subject: Re: Status of Defeat Device Penalty Policy?

Ex. 5

Robert G. Klepp, Acting Chief
Mobile Source Enforcement Branch
Air Enforcement Division
U.S. Environmental Protection Agency
Washington, DC 20460
(202) 564-5805

From: Kaul, Meetu
Sent: Thursday, March 06, 2014 4:32:14 PM
To: Miller, Anthony; Klepp, Robert
Cc: Choi, Jake; Wick, Anne; Alexander, David; Adair, Jocelyn
Subject: Status of Defeat Device Penalty Policy?

Hey Tony and Bob,

Ex. 5, 7

Jake and I both missed the meeting so wanted to get a status update.

Thanks!

Ms. Meetu Kaul, Attorney-Advisor
United States Environmental Protection Agency
Office of Civil Enforcement - Air Enforcement Division
WJC South, Room 3151A
1200 Pennsylvania Ave., N.W. (MC 2242A)
Washington D.C. 20460 (Courier 20004)
Direct: 202-564-5472
Fax: 202-564-0069

Email: kaul.meetu@epa.gov

To: Grundler, Christopher[grundler.christopher@epa.gov]; Birgfeld, Erin[Birgfeld.Erin@epa.gov]
From: Wehrly, Linc
Sent: Tue 9/22/2015 5:47:14 PM
Subject: FW: draft guidance letter on defeat device testing
defeat device testing guidance.docx

Here is the draft guidance letter on additional testing.

Linc Wehrly

Director, Light-Duty Vehicle Center

Compliance Division

Office of Transportation and Air Quality

United States Environmental Protection Agency

(734) 214-4286

wehrly.linc@epa.gov

From: Ball, Joel
Sent: Monday, September 21, 2015 10:32 AM
To: Wehrly, Linc; Bunker, Byron
Cc: Snyder, Jim; Dalton, Joel
Subject: draft guidance letter on defeat device testing

Here is the first draft, Have at it...

Joel Ball
Light-Duty Vehicle Group
Compliance Division
United States Environmental Protection Agency
(734) 214-4238
ball.joel@epa.gov

To: Brooks, Phillip[Brooks.Phillip@epa.gov]; Werner, Jacqueline[Werner.Jacqueline@epa.gov]
Cc: Parker, Doug[Parker.Doug@epa.gov]
From: Fisher, Mike
Sent: Tue 9/22/2015 1:29:08 PM
Subject: FW: Volkswagen TDI Recall Penalty Proposal

Would guess Larry or Rosemarie sent you this, but in case not, here's a little unsolicited/crowdsourced brainstorming re civil enforcement remedies . . .

Michael R. Fisher
Director, Legal Counsel Division
Office of Criminal Enforcement, Forensics & Training
U.S. EPA
1200 Pennsylvania Ave. N.W.
WJC South Room 1202D (Mail Code 2232A)
Washington, D.C. 20004
202 564 1063 (phone) : 202 501 0579 (fax)

Help EPA fight pollution - report environmental violations at <http://www.epa.gov/tips>

From: Ex. 6 Personal Privacy (PP)
Sent: Monday, September 21, 2015 7:23 PM
To: Kelley, Rosemarie; Giles-AA, Cynthia; Starfield, Lawrence; Lee, Charles; Shinkman, Susan; Stewart, Andrew; Norris, Tom; Fisher, Mike
Cc: kkiely@nrdc.org; Jerry.hirsch@latimes.com
Subject: Volkswagen TDI Recall Penalty Proposal

Dear EPA,

Recently I became aware of the issue regarding Volkswagen having created an emissions defeat device on my 2009 Volkswagen TDI. If my car's emissions system is fixed under the recall, I will have a poorer performance and mileage profile; I won't get the originally claimed mileage and performance as one package. Additionally, the value of my car will decrease.

Rather than the EPA setting the fine of \$35,000, I propose that the EPA negotiate to allow VW buy back vehicles from owners at MSRP (most TDI models are less than \$35,000) and destroy

them. This would likely take a greater portion of the gross polluting vehicles off of the road than the monetary fine because cars that don't go to the dealership will not receive a recall repair; those current owners would need this incentive to make the repair. This would also allow the original purchasers to purchase newer, cleaner vehicles.

Thank You,

Ex. 6 Personal Privacy (PP)

To: McCabe, Janet[McCabe.Janet@epa.gov]
Cc: Millett, John[Millett.John@epa.gov]; Stewart, Lori[Stewart.Lori@epa.gov]
From: Grundler, Christopher
Sent: Wed 9/23/2015 3:05:56 AM
Subject: Re: draft guidance letter on defeat device testing

Yes

Prepping 1 pager now for tomorrow.

Ex. 7

Christopher Grundler, Director
Office of Transportation and Air Quality
U.S. EPA
202-564-1682 (DC)
734-214-4207 (Ann Arbor)

On Sep 22, 2015, at 10:50 PM, McCabe, Janet <McCabe.Janet@epa.gov> wrote:

Looks good to me, except for the stray comma in the first paragraph.

We can include this in the update for Gina tomorrow.

Chris--will you be in the lead for the update?

Sent from my iPhone

On Sep 22, 2015, at 6:46 PM, Millett, John <Millett.John@epa.gov> wrote:

FYI – short and to the point – OTAQ is looking to send this out later this week – timing TBD, targeting Thursday or Friday after conferring with Tom and his folks.

~~~~~

John Millett

Director, OAR Communications

Desk: 202-564-2903

Cell: 202-510-1822

**From:** Birgfeld, Erin  
**Sent:** Tuesday, September 22, 2015 5:59 PM  
**To:** Millett, John; Valentine, Julia; Purchia, Liz; Conger, Nick  
**Cc:** Hengst, Benjamin; Senn, John  
**Subject:** FW: draft guidance letter on defeat device testing

Hi Liz,

Attached is an early draft of the guidance letter that OTAQ intends to send manufacturers this week.

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**Ex. 7**

Does that sound do-able?

Sorry for the terse email with a copy to so many people. I wanted to get this in front of everyone quickly.

Thank you!

-Erin

<defeat device testing guidance.docx>